REMARKS

This paper is being filed subsequent to an Examiner's interview conducted on May 19, 2006 between Applicants' representative and Examiner's, Joseph Torres and Gilbert Barron.

Claims 1-3 and 5-7 are pending in the application, with Claims 1, 5 and 6 being in independent form. The Examiner rejected Claims 1-3 and 5 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner has rejected Claims 1, 3, 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Eroz et al. (U.S. Patent 6,370,669) in view of Gibbs et al. (U.S. Patent 6,711,182). The Examiner has rejected Claims 2 and 5 under 35 U.S.C. §103(a) as being unpatentable over Eroz et al. and Gibbs et al. in view of Moulsley (U.S. Patent 6,671,851).

Claims 1 and 5 have been amended herein. No new matter has been added.

The Examiner rejected Claims 1-3 and 5 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1 and 5 have been amended herein. Based on at least the foregoing, withdrawal of the rejection of Claims 1-3 and 5 under 35 U.S.C. §101 is respectfully requested.

Next on the agenda during the interview were the art rejections raised under §103(a) and the cited references of Eroz and Gibbs. The following distinctions were raised: that Gibbs merely discloses classifying and mapping data included in a data structure itself, not rearranging the order of codes; that none of Eroz and Gibbs discloses the concept of one sub-code set which are sub-codes having a code rate to be used after using the sub-code having a predetermined code rate; that Gibbs et al. deals with forward error correction, and nothing in Eroz et al. would ever suggest using processes dealing with forward error correction in its turbo encoder; that Gibbs et al. does not rearrange any codes, nor does Gibbs et al. rearrange any sub-codes; that the rearranging of Claim 1 is performed according to a priority of the sub-codes and Gibbs et al.

-5-

teaches prioritizing segments of a data stream, not codes; and that Eroz et al. in Fig. 16 deals with puncturing patterns, not any codes themselves.

Based on at least the foregoing remarks and those remarks contained in the Response filed April 21, 2006 withdrawal of the rejection of Claims 1, 5 and 6 is respectfully requested.

Independent Claims 1, 5 and 6 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3 and 7, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3 and 7 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-3 and 5-7, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,
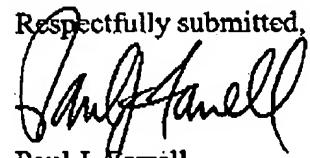
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-6-